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MEMBER: N.Y. & N.J. BAR

November 15, 2020

Via Email and ECF
The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Deleon*
14cr00028(PGG)

Dear Judge Gardephe:

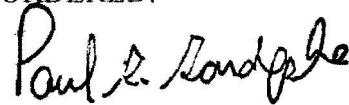
Jose Deleon is scheduled to appear before the Court on Tuesday, November 17th, 2020 at 11:00 a.m. in connection with a violation of supervised release ("VOSR") petition filed by the United States Probation Officer, Washington M. Herrera. I write to seek an adjournment of this appearance until mid to late February 2021 to allow the underlying state court matter, the basis for the violation, to be resolved. Assistant United States Attorney Sarah Krissoff consents to this application. We both, separately emailed Probation Officer Herrera for his position but neither of us have received a response. It is my understanding that Mr. Deleon has been compliant with his condition of release on both his New York State, Bronx County bond and his bond issued in connection with his pending violation of supervised release.

The VOSR petition is premised solely on Mr. Deleon's arrest in the Bronx on a New York State, Bronx County indictment charging him and others with participating in a narcotics distribution conspiracy. Due to the COVID-19 pandemic, Mr. Deleon's state case is not resolved. I have spoken with the attorney representing him on state charges. He informed me that on behalf of Mr. Deleon he has just filed motions. A reply to the Defense submission has yet to be filed and he is unsure as to when the court will rule once the motions are fully submitted. He further advised that in light of COVID, he cannot estimate when the case will proceed to trial. Obviously, since Mr. Deleon's pending state charges are the only basis for the violation, to force Mr. Deleon would unfairly prejudice Mr. Deleon's

MEMO ENDORSED:

The violation of supervised release hearing in this action previously scheduled for November 17, 2020 is adjourned to **February 18, 2021 at 11:15 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: November 16, 2020

Bronx county case.

Accordingly, I respectfully request the Court adjourn the November 17th court appearance until sometime in late February, with the hope that at that time, Mr. Deleon's state case will be resolved and we will then have the ability to address his pending violation.

Respectfully submitted,

/s/

Donna R. Newman

Cc: AUSA Sarah Krissoff via ECF & email

USPO Washington M. Herrera via email

Jose Deleon via email